

EXHIBIT C  
(DECLARATION OF  
BENJAMIN OGDEN)

## DECLARATION OF BENJAMIN PATRICK OGDEN

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I, Benjamin Patrick Ogden, pursuant to the provisions of 28 U.S.C. §1746, do hereby declare:

1. I am a citizen of the United Kingdom.
2. I am a solicitor of the Senior Courts of England and Wales. I specialize in commercial dispute work and insurance law.
3. I am a partner in the firm of Ince & Co LLP. Although the firm has a number of international offices, I am based at our London office at International House, 1 St Katharine's Way London E1W 1AY. The firm's London office has been in International House since July 2005, prior to that the London office was based in Knollys House, 11 Byward Street, London EC3R 5EN. I have been a partner in the firm since 2002 prior to which I was employed by the firm as an assistant solicitor (I joined in 2003).
4. On November 5, 2013, Darrell N. Phillips, a lawyer based in Memphis, Tennessee, forwarded two scanned pages to my partner Nilam Sharma by e-mail. These pages are attached as Exhibit A hereto.
5. The pages purport to be an "Insurance Premium Policy Cover", and purport to evidence an insurance policy written by Ince & Co. covering a shipment of 714 kilograms of gold dust ("the Document").
6. The Document includes "Ince & Co", an address which purports to be ours, and also a logo. The Document purports to be dated 24 October of 2012.
7. The Document purports to reflect that the insured is Dr. Cleal Watts and that Dr Patrick Kamra "in conjunction with Ince & Co has insured to ship" gold dust. The Document also identifies an entity called Bymex Group Express.

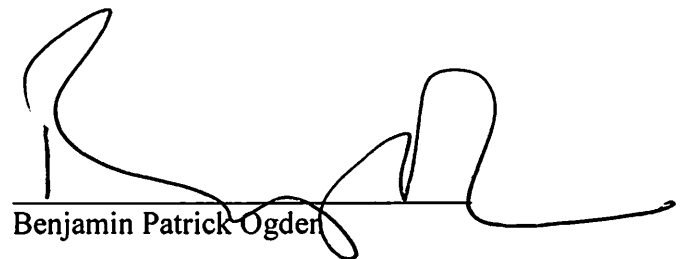
8. I together with my partner David Rutherford have investigated the Document internally and determined it to be fraudulent for numerous reasons.
9. First and foremost Ince & Co. is not and never has been an insurance agency. Ince & Co does not issue insurance policies or certificates (although we do provide legal advice about, inter alia, matters concerned with insurance and reinsurance). This is therefore not a document which we would ever produce.
10. Secondly, the document is obviously falsified and using my firm's name and address fraudulently:
  - a. The address on the Document is incorrect:
    - i. We do not say "1<sup>st</sup>" as part of our address;
    - ii. Our address is International House, not "International Home", as appears on the document;
    - iii. We are at St Katharine's Way, London, not "1<sup>st</sup> Katharine way".
  - b. The Reference to "Insurance / Reinsurance" uses a phrase that we do use but it is a reference to a type of legal service we provide, not to regulated insurance activities;
  - c. Ince & Co. has been a Limited Liability Partnership since April of 2011. Our correspondence is therefore signed off "Ince & Co LLP", although we continue to use "Ince & Co" on certain marketing materials. I attach as Exhibit B an example of our current insurance group marketing materials and a sample of how our letters appear.
  - d. Conversion to an LLP was also an opportunity to refresh our visual identity. We therefore changed our branding. Prior to that date (certainly since 1993 when I

joined the firm) the “roundel” saying Ince & Co which appears on the Document was used by the firm. It has not been used since 2011. I attach as Exhibit C a copy of a power-point seminar title sheet I used in 2009 which shows the roundel in use. The firm has never used the italicized font which appears at the top of the Document while I have been with the firm.

11. Neither Patrick Kamra nor Cleal Watts, nor Bymex Group Express, are or have ever been clients of Ince & Co. We have no internal documents featuring any reference to them whatsoever.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 15 day of November, 2013.



Benjamin Patrick Ogden

# **EXHIBIT A**



# Ince & Co

International Home

Insurance / Reinsurance

1st Katharine way, London

E1 W1AY

Tel: +44 (0) 7933 919 195

+233 264 599 443

Fax: +233 233 599 443

P.O.Box: 3128 KIA Accra - Ghana

Policy No. INCE/ACC/5752349

Your Ref. No. ....

To;

GHANA CUSTOMS, EXCISE PREVENTIVE SERVICE

P. O. Box 9046

K.I.A.

## INSURANCE PREMIUM POLICY COVER

I certify that Dr. Patrick Kamra  
Accra - Ghana  
 in conjunction with Ince & Co. has insured to ship 714 Kilograms of  
Gold Dust (14 Boxes)  
 being exporting to 8926 Forest Hills, Blvd Dallas TX for delivery to the  
 new owner Dr Cleal T. Watts. of Texas

Note: This permission note should be brought by the Agent and  
 representative of the company before it can be release for shipment.

Thank you.

Mr. Ince & Co.  
 for;

Ince and Co.

Accra - Ghana

Sign/Date

Administered by



SENIOR OFFICER IN - CHARGE  
 CEPS ACCRA - GHANA.

24/10/2012

*Ince & Co's Insurance and Reinsurance is International Network Company lead from our offices in London, which over look the entire branches all over the network countries including Africa, our London office is based in the heart of the shipping and Insurance Markets-markets that we have been serving since 1870.*

S 00008



# Ince & Co

1st Katharine way, London

International House

1st Katharine way, London

E1 W1AY

Tel: +44 (0) 7933 919 195

Ghana: +233 264 599 443

P.O.Box: 3128 KIA Accra - Ghana

## Premium Policy

Ince & Co Insurance / Reinsurance International House.		State Product Number Policy Number AZ GPM 4638910IC 5752349	
Insured Name And Address. Dr. Cleal T. Watts III 8926 Forest Hills, Blvd. Dallas TX. USA Tel: 75218 4001		Policy Period Effective: Oct 24, 2012 to Jan 24, 2013 Operations: Bymex Group Express	
Description Of Product (s)			
Month	Year	Description	Quantity
03	2012	Gold Dust	714kgs (14boxes)
		Price Per Kilo	
		xxx 12,000 USD	
The Policy prices ONLY. The following Coverages with related pricing noted		St (Percentage)	
Part 1 - Liability Injury option option option Part 2 - Uninsured option option option		Percentage Of The Total Cost Value:  \$48,000.00 USD	
Part 3 -  Physical Damage Coverage Comprehensive loss Collision Loss Rental Reimbursement Theft.		Cost: \$48,000.00 USD  Percent.	
Discount Per Kilo  Anti-Theft discount Air bags		 Sign/Date	

Ince & Co's Insurance and Reinsurance is fully licensed and regulated from our offices in London, which cover both the entire premises and overseas territories, including Africa. Our London office is based in the heart of the Insurance and Finance Markets - markets that we have been serving since 1871.

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# **EXHIBIT B**



address

Your ref:

Our ref: BPO/8287

Date: 15 November 2013

Dear Sir

**Heading**

Yours faithfully

**Ince & Co LLP**

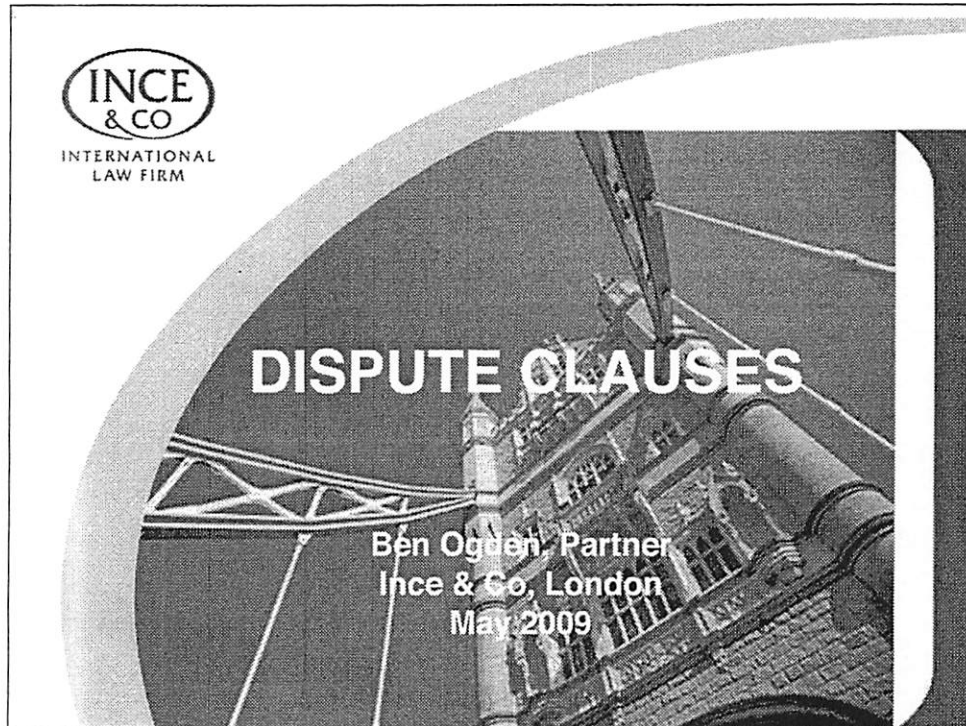
Ince & Co LLP  
International House  
1 St Katharine's Way  
London E1W 1AY  
DX 1070 London City

Tel +44 (0)20 7481 0010  
Fax +44 (0)20 7481 4968  
incelaw.com

Ince & Co LLP is a limited liability partnership registered in England and Wales (with registered number OC361858) and is authorised and regulated by the Solicitors Regulation Authority. A full list of members is available for inspection at our registered office, International House, 1 St Katharine's Way, London E1W 1AY.

Beijing Dubai Hamburg Hong Kong Le Havre London Monaco Paris Piraeus Shanghai Singapore

# **EXHIBIT C**



- Court -v- Arbitration



# INCE & CO | INTERNATIONAL LAW FIRM

| **INSURANCE & REINSURANCE**  
CORPORATE INSURANCE





**At Ince the Corporate Insurance Group has the specialist industry knowledge, experience and reputation in the insurance market that few firms can match, gained from supporting and advising a broad range of insurance clients for the last 140 years.**

Building and developing relationships with our clients means we understand the issues facing all types of market participants. We advise (re)insurers, Lloyd's syndicates/managing agents, brokers, run-off companies/discontinued businesses, third party advisers and large overseas financial institutions on their UK operations.

Our considerable experience and industry-focussed expertise enables us to provide you with transactional advice that is tailored to your individual needs. Whether buying or selling an insurance business through a share or business transfer, looking for a joint venture partner, or entering into a scheme of arrangement or Part VII transfer, you will benefit from instructing an industry-recognised leading global insurance practice to handle your M&A and other transactional work. Our team will advise and guide you through all stages of the process, including pre-acquisition due diligence and planning, negotiation, drafting the documentation and subsequent integration.

As a firm specialising in the insurance sector, we are able to advise you across the full 'lifecycle' of insurance, from the setting up of underwriting, fronting and distribution agreements through to legacy arrangements. For Lloyd's business we advise on a full range of issues affecting syndicate, managing agent and coverholder relationships. Our practice covers both life and general insurance (both for insurers and brokers), and also 'alternative risk transfer' products ranging from captive insurance to innovative reinsurance solutions. We find the majority of our matters have one or more cross-border elements.

We advise on the full range of regulatory issues facing insurers and brokers, comprising both prudential and conduct of business matters. Clients often seek our advice on the more topical areas of regulation, such as the client money rules, individual accountability to the FSA under the Approved Persons regime and Solvency II. We routinely advise on available exemptions to regulation, including the Appointed Representative route. We are able to assist you in complying with Lloyd's requirements, whether in relation to a corporate member, managing agent or otherwise. Cross-border work also forms an important part of our practice, whether advising on the applicability of UK regulation or the ability of insurers or brokers to do business into or out of the UK. Our expertise extends to regulatory proceedings initiated by the FSA or Lloyd's.

Our specialist teams in areas such as employment and property law will also assist you as required.

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**For further information please contact:**



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**David Grantham**  
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**Ince & Co is a network of affiliated commercial law firms with offices in Beijing, Dubai, Hamburg, Hong Kong, Le Havre, London, Monaco, Paris, Piraeus, Shanghai and Singapore.**

**E: [firstname.lastname@incelaw.com](mailto:firstname.lastname@incelaw.com)  
[incelaw.com](http://incelaw.com)**

**24 Hour International Emergency Response Tel: + 44 (0)20 7283 6999**

**LEGAL ADVICE TO BUSINESSES GLOBALLY FOR OVER 140 YEARS**

The information and commentary herein do not and are not intended to amount to legal advice to any person on a specific matter. They are furnished for information purposes only and free of charge. Every reasonable effort is made to make them accurate and up-to-date but no responsibility for their accuracy or correctness, nor for any consequences of reliance on them, is assumed by the firm. Readers are firmly advised to obtain specific legal advice about any matter affecting them and are welcome to speak to their usual contact.

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**INCE & CO** | INTERNATIONAL  
LAW FIRM

## **INSURANCE & REINSURANCE**

**INCE & CO'S INSURANCE AND REINSURANCE PRACTICE IS SEEN AS ONE OF THE STRONGEST IN THE WORLD, WITH A REPUTATION BUILT ON THE ASTUTE HANDLING OF COMPLEX CASES MARRIED TO A STRONG GRASP OF INDUSTRY REALITIES.**



*"INCE & CO HAS RISEN TO THE PINNACLE OF THE MARKET, REFLECTING THE EXTENT TO WHICH THE FIRM HAS 'EVOLVED INTO THE TOP-CALIBRE, FULL RANGE PROVIDER' THAT IT HAS."*

CHAMBERS & PARTNERS

Ince & Co has worked with the insurance and reinsurance markets for over 100 years. We have a global team of over 50 specialist lawyers, handling issues arising in all non-life classes. In addition to numerous arbitrations, our lawyers have acted in many of the key trials establishing the principles of insurance and reinsurance law. We have played a role in many developments affecting the market, from external phenomena such as wars, terrorism attacks, outbreaks of piracy and financial crises to internal challenges such as Reconstruction & Renewal and insurance contract law reform. Our expertise is not limited to contentious matters; aside from market assignments such as the London Market Project, our corporate and regulatory insurance group offers a full service to clients worldwide. Widely respected by industry professionals, policy wordings and market documents drafted by Ince & Co are used daily throughout the London market.

Our client base encompasses all manner of insurance buyers, London market and international insurance and reinsurance companies and Lloyd's syndicates. In addition we advise brokers and intermediaries, captives and a wide range of specialist insurance and reinsurance service providers.

#### Overview of practice areas

##### Aviation and space

Ince & Co has a long history of advising on aviation claims, including the noteworthy Kegworth Air Disaster in 1989, the 2002 Bristow Helicopters Sikorsky S-76A crash and the ADC Airlines 737-200 crash in Nigeria in October 2006. We advise clients on:

- > policy coverage issues
- > subrogation recoveries
- > product liability claims
- > death, injury and property damage
- > carriage of passengers and cargo
- > airport, ATC and ground handling
- > supply of products and services

We handle matters relating to general aviation claims for underwriters, assureds and brokers and provide representation in connection with inquests, fatal accident inquiries and proceedings arising from breaches of aviation laws such as the Air Navigation Order.

We advise space insurers and reinsurers on issues and claims arising out of launch, in-orbit and other risks. We have particular expertise in the field of satellite insurance.

Our recent experience includes:

- > acting for the insurers of the airline involved in a crash near Abuja, Nigeria in which 95 passengers and crew died.
- > acting for London market underwriters in relation to the loss of a number of helicopters destroyed in a hangar fire.
- > advising and assisting US insurers of a Gulfstream V in connection with a claim against their insured arising from jet blast on the apron at Luton Airport.
- > advising the London market liability insurers of a major Israeli air freight company in relation to the damage of diagnostic equipment en route to the USA.
- > advising London market insurers on coverage questions arising out of satellite failure covering both launched and un-launched satellites.

##### Captives

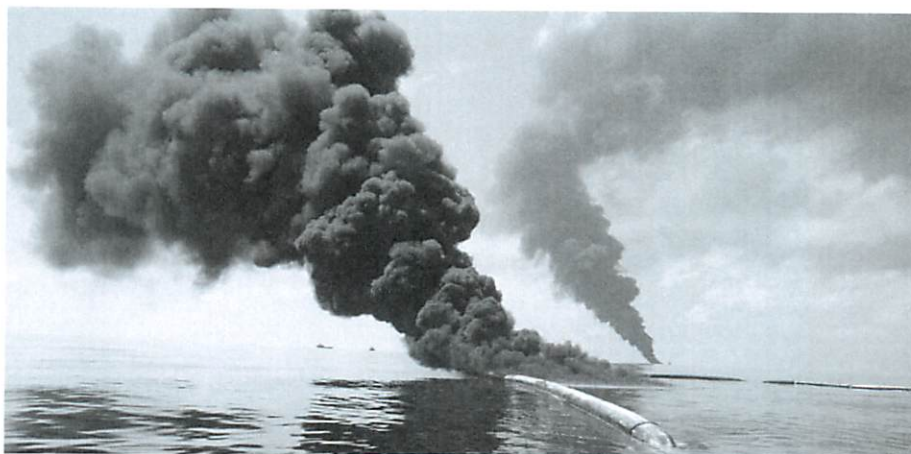
We have extensive experience in advising on corporate, commercial, regulatory and contentious matters concerning captives. We (and our network of local experts) are able to provide advice on:

- > identifying the nature and objectives of the captive
- > choice of country of establishment
- > issues arising from the type or location of risks
- > structuring of the insurance and reinsurance programmes
- > compliance issues (ranging from capital requirements to corporate filings)
- > documentation as regards shareholders, directors, investment managers, brokers and policyholders
- > ongoing corporate obligations including directors' duties
- > prevention and management of conflicts involving service providers
- > claims and (re)insurance disputes
- > run-off and wind-up of captives

Our recent experience includes:

- > advising on/drafting claims handling and managing agreements for captives of listed international conglomerates.





- > multi-jurisdictional dispute resolution including coverage litigation in relation to global (re)insurance programmes, including property, business interruption, general liability, products and operations, D&O and PI issues, for captives of listed international conglomerates.

#### **Corporate and regulatory**

Ince & Co's corporate and regulatory insurance practice offers a full service to (re)insurers and intermediaries worldwide. Our many years' experience of advising the (re)insurance industry enables our non-contentious lawyers to understand our clients' needs and commercial objectives. In particular, we are well-placed to provide specialist advice in an ever-changing regulatory environment.

Our capabilities are as follows:

#### **Regulatory**

- > FSA authorisation and permission
- > Insurance mediation regime – distribution of insurance products
- > EU passporting – freedom of establishment, freedom of services
- > regulatory capital requirements, including Solvency II preparation
- > appointed representatives
- > client asset rules
- > Approved Persons and Controlled Functions
- > general FSA compliance – both prudential and conduct-of-business
- > Lloyd's – Byelaw compliance, Chain of Security matters

#### **Commercial**

- > policy wordings
- > underwriting authorities
- > fronting agreements
- > white labelling and other distribution arrangements
- > reinsurance – treaty/facultative, proportional/non-proportional
- > run-offs
- > Lloyd's – syndicate, managing agent, coverholder arrangements

#### **Corporate**

- > company/branch set-up
- > acquisitions, including Part VII transfers
- > joint venture arrangements
- > reorganisations
- > schemes of arrangement

Our recent experience includes advising:

- > a Lloyd's broker on its acquisition of a marine insurance broker
- > a UK insurer on the sale and distribution of extended warranties and accidental damage cover
- > employees of a UK insurance broker on a share incentive scheme
- > a UK insurance broker on the distribution of life products into another EEA jurisdiction
- > an overseas insurer and a UK broker on the Client Money rules
- > a Lloyd's corporate member on Reinsurance to Close arrangements
- > an airline on the UK distribution of travel insurance and the Appointed Representative regime

#### **Energy & Offshore**

As the search for renewables moved offshore, it was natural for a firm with a strong marine insurance reputation to follow suit. Today, the energy industry, both on and offshore, poses some of the greatest challenges to the insurance market. The interaction between the two is a specialist area in which Ince & Co's significant expertise is well known.

Ince & Co's lawyers act for insurance buyers in the energy industry, in particular contractors, and for certain insurers, across a range of high value onshore risks. The offshore aspect of their practice spans a range of casework deriving from contractors, oil and gas traders and the energy insurance market itself, from almost pure marine risks such as collision and salvage through to issues such as control of well. The nature of the underlying issues varies from the catastrophic (Piper Alpha and the Alexander Kielland) to the day-to-day incidents associated with a heavy industry operating in harsh conditions and at the cutting edge of technology.



*"SENSIBLE PRACTICAL ADVICE WITHOUT TOO MUCH LEGAL JARGON"*

LEGAL 500

We are widely recognised as the 'go to' firm on the technicalities of this type of insurance and are frequently instructed to engage in policy and programme reviews for corporate policyholders and insurers, on contracts covering everything from drilling rigs to the reinsurance of offshore liabilities.

Our recent experience includes:

- > advising a rig owner on its package of insurances for a new-build jack-up.
- > handling a series of claims relating to builder's risk policies covering the construction of offshore construction vessels. The claims involve complex issues of causation concerning defective design, inherent vice and/or defect in manufacture.
- > advising insurers on issues which may arise in connection with onshore power company liabilities, with an estimated value of US\$1 billion.
- > advising insurers on their potential exposure under a Builders' All Risks policy to the costs of repairing fire damage to a semi-submersible drilling rig.
- > advising a Gulf cedant under a facultative reinsurance in respect of a major oil facility/tank farm damage claim.
- > acting for contractors concerning a US\$90m claim against underwriters of a CAR policy covering the construction of oil and gas production and processing facilities in Kazakhstan.
- > assisting a leading P&I Club with a complete audit of terms provided to its members owning/operating offshore oil and gas units.

**Financial Lines / Management Liability**

Our financial lines practice covers directors & officers liability, financial institutions, management and employment practice liability, in the direct and reinsurance spheres. Our clients are UK and international (re)insurers, Lloyd's syndicates and intermediaries. We advise on policy coverage, policy drafting, risk assessment and dispute resolution and monitor underlying claims.

**Directors & Officers**

We have acted in many high profile directors & officers multi-jurisdictional regulatory investigations and disputes involving company boards and individual directors and officers over the

years, including the Equitable Life scandal, and have the specialist knowledge required to deal with the complex issues that can arise.

**Financial Institutions**

We offer a full service to financial institutions and their insurers, including advices on investor suits, insider trading, tax assessments by HM Revenue & Customs, claims arising under Bankers Blanket Bond and fidelity policies, disciplinary actions, regulatory investigations and breaches of fiduciary duty.

**Management Liability**

We provide advice to insurers and their assureds in relation to management and employment practice liability, including disputes regarding terms and conditions of employment, directors' service contracts, deeds of confidentiality and restrictive covenants, redundancy programmes, discrimination, immigration, breach of regulations and general employer and employee rights and duties.

**Liability**

We advise all manner of insurance buyers, (re)insurers, Lloyd's syndicates and intermediaries on a wide range of liability insurance matters:

**General and product liability**

We advise business owners, insurers and reinsurers on issues arising under general liability policies. We have a long history of dealing with product liability claims across the insurance, aviation, energy and maritime industries. At the reinsurance level we have advised on pharmaceutical and healthcare claims.

**Personal injury**

Our personal injury lawyers have substantial experience in defending companies and insurers in maritime and offshore energy cases, particularly in incidents that involve vessels such as cruise ships, oil field supply vessels, drilling ships and offshore installations. Onshore, our experience includes advising insurers on public liability and road traffic issues, construction accidents, asbestos litigation, deafness and white finger claims.

**Marine**

Our expertise covers the whole spectrum, including hull and machinery, cargo and freight, builders' risk, mortgagees' interest, strikes, war and owners', charterers' and ship repairers'





liability insurance. In addition, as a top shipping law firm, Ince & Co has an extremely well established casualty investigation practice where we act for owners and the market jointly. Having drafted many of the market's most popular standard wordings, we also advise clients on new policy wordings from 'seamless' covers for marine intermediaries and service providers to specialist 'crossover' topics with our shipping practice.

We receive instructions from all parts of the insurance community, including Lloyd's and London marine (re)insurance companies, international broking houses and of course from ship and cargo owners. Our marine insurance practice is complemented by the skills of our Admiralty, Energy, International Emergency Response and Pollution practitioners, meaning that the technical issues which lie at the heart of so many marine insurance cases can be handled without excessive resort to external experts.

Our recent experience includes:

- > representing London market insurers in what could become an important test case in connection with coverage issues arising in respect of damage/debris removal.
- > advising hull and machinery insurers in respect of claims for alleged latent defects in propulsion units and a jack-up unit.
- > advising insurers on a constructive total loss claim based on an allegation of catastrophic machinery damage due to an alleged grounding.
- > advising on issues arising from the seizure by Somali pirates of a laden tanker, *Maran Centaurus*, the case involving the highest ransom paid to that date.
- > acting for Lloyd's underwriters in connection with a claim under a cash-in-transit cover in respect of a cargo of gold bullion.
- > acting for London market liability underwriters of a repair yard in respect of the constructive total loss of a vessel at the yard's repair berth.

#### Political and credit risk

This is one of the most innovative and exciting classes of insurance, in which Ince & Co is recognised as a market leader. We played an active role in creating the original private market

political risk insurances placed in the 1970s and have retained a reputation as skilled practitioners ever since. Our clients include underwriters (commercial, state-backed and multilaterals), brokers and their many and varied principals including commodity traders, banks and sponsors of infrastructure projects.

Our contentious practice has handled numerous claims in countries ranging from Afghanistan through to Zambia. In addition to claims triggered by war, revolution, coups d'état and other political violence such as terrorism, the revival of resource nationalism has brought with it claims arising from government intervention and non-performance around the globe. We also advise clients on contractual defaults prompted by the recession. On the non-contentious side, the firm's pioneering role has evolved into one where we create and refine insurance wordings backing bond issues and project and trade finance, and ones which constitute Basel II compliant credit mitigation instruments or, in an investment insurance context, respond to unsatisfied bilateral treaty awards.

Our recent experience includes:

- > handling claims advanced under terrorism cover following the 2010 Bangkok riots.
- > advising insurers on coverage under a war risks policy for claims arising from piracy attacks.
- > advising the Canadian Government's export credit agency on a range of cases, including in connection with contractual rights and remedies under international sale contracts, drafting of security documents, consideration of policy coverage, UK insolvency matters and recoveries from recalcitrant debtors.
- > drafting enhancements to a standard global investment insurance policy for a major political risk insurance broker.
- > acting for a major European financial institution in advising them both generally and specifically on insurance products designed to provide credit risk mitigation to banks for their capital requirements under Basel II.
- > considering the implications for the market of Basel III.
- > representing London market insurers in connection with claims arising under contract frustration insurance for post-shipment non-honouring of letters of credit.

**Professional negligence**

One aspect of the modern 'compensation culture', which no business can afford to ignore, is the growth in the exposure of professional advisers to legal claims. High value and complex professional negligence work has been a feature of Ince & Co's insurance practice for many years. Today we have diversified into almost every type of professional exposure. We are regularly instructed to advise insureds, insurers and those who assert claims against them. The spread of industries in which we have been involved is considerable, encompassing the legal, accounting, actuarial, insurance broking, ship broking and surveying, engineering, directors and officers and financial institutions fields.

Our recent experience includes:

- > acting for insurers seeking to recover substantial sums from professionals suspected of assisting the perpetrators of wide-scale commercial property fraud.
- > acting on behalf of insurers in arbitration proceedings arising from alleged fraudulent non-disclosure by the assured accountants.
- > advising a number of hedge funds on a sequence of professional and executive risk issues arising in their industry.
- > advising London market brokers on the position following disputed payment of claims by underwriters in the reinsurance, offshore energy, bonding and marine contexts.

**Property and business interruption**

Whether arising from storm, flood, fire or explosion, Ince & Co's lawyers are expert at resolving property insurance claims. We are frequently instructed on the largest, most complex and commercially sensitive disputes. By their very nature, many have an international angle and our network of offices throughout Europe and the MENA and Asia-Pacific regions allows us to advise on a multi-jurisdictional basis.

Claims arising from the physical loss of property following a major incident are often dwarfed by those arising from the loss of income that ensues as a consequence. We have for many years advised on the complex area of business interruption, including assisting one of the world's leading mining and natural resources groups and their captive insurance companies in effecting recoveries.

Our recent experience includes:

- > providing advice on the merits of a claim arising under a power station operator's property damage and business interruption policy in respect of a turbine failure.
- > advising the London market and overseas liability excess of loss insurers of one of the oil major joint venturers behind the Buncefield Oil Depot in respect of the 2005 explosions.
- > pursuing a successful claim for a captive insurer in connection with a £200+ million property and business interruption loss in Chile.

**Reinsurance**

Ince & Co is consistently rated by the independent legal directories as a top reinsurance firm. We have acted in some of the most important cases determining reinsurance principles including *Dawson's Field*, *The Zephyr*, *Balfour v Beaumont*, *CTI v Oceanus*, *Pan Atlantic v Pine Top* and *PCW Syndicates* and our views have been referred to by courts at the highest levels (for example, by the House of Lords in *WASA v Lexington*). Whether the arrangement is facultative or treaty, through the open market or a captive, we have advised in relation to numerous classes of business and on whole account programmes and ancillary protections for insurers. We draw on our experience both of disputes and of the practicalities of the market in drafting reinsurance policy wordings and in responding to judicial and legislative developments.





Our recent experience includes:

- > advising on the remaining aggregation issues affecting the reinsurance market in the context of numerous post 9/11 third party liability actions being litigated in New York.
- > advising London market (re)insurers on issues arising out of the catastrophic wildfire claims triggered by the Santa Ana winds of October 2007.
- > advising a major global reinsurer on issues arising out of an ART style adverse development coverage of several hundred million dollars.
- > representing brokers in New York and English High Court actions in a two tier reinsurance dispute arising out of an energy and construction account.
- > advising a Lloyd's syndicate on its liability to indemnify the reinsured, a state owned insurance company, in respect of claims arising from losses incurred as a result of the Mumbai floods of 2005.

#### Our approach

Our team structure and working practices are designed to ensure we are cost effective. A partner is always responsible to the client for each matter on which the firm is retained and will assess, with input from the client, how best to deploy resources to meet client needs and requirements. For large and complex disputes or non-contentious matters, we will assemble teams of the ideal size and skill; for smaller matters, we have experienced solicitors who can act with only limited supervision; other matters may be best handled by a partner alone.

We always strive to achieve prompt and efficient resolution and recovery of claims. However, should more formal measures prove necessary, we are very familiar with all available dispute resolution matters – from structured negotiation, mediation and all forms of Alternative Dispute Resolution through to arbitration and court proceedings.

#### The firm

With a network of offices in Dubai, Hamburg, Hong Kong, Le Havre, London, Monaco, Paris, Piraeus, Shanghai and Singapore, Ince & Co practises English, French, German, Greek, Hong Kong and PRC law. Ince & Co Singapore has entered into a Formal Law Alliance, the Ince Law Alliance, with local law practice Incisive Law LLC. Members of Incisive Law provide Singapore law advice and represent clients in both the Singapore Courts and in domestic and international arbitrations.

Insurance and Reinsurance is one of seven strands within which Ince & Co's practises. These are:

- > Aviation
- > Business and Finance
- > Commercial Disputes
- > Energy and Offshore
- > Insurance and Reinsurance
- > International Trade
- > Shipping.

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## Contacts

For further information on our Insurance and Reinsurance practice, please contact:

### London contacts

#### Group Leader

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#### Energy & Offshore

**Joe O'Keeffe**  
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#### Financial Lines

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#### Marine

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#### Political and Credit Risk

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#### Professional Indemnity

**David Rutherford**  
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#### Property/Business Interruption

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#### Reinsurance

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jan.heuvels@incelaw.com

### International offices

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